

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANTHRACITE CAPITAL BOFA FUNDING,	:	
LLC, a Delaware limited liability company,	:	
	:	09 Civ. 1603 (LTS)(KNF)
Plaintiff,	:	
	:	
- against -	:	
	:	
BETHANY HOLDINGS GROUP, LLC, a Nevada	:	
limited liability company, Terry Knutson and Rose	:	
Knutson as Trustees of the TERRY AND ROSE	:	
KNUTSON 2000 FAMILY TRUST, GREGORY P.	:	
GARMON, an individual, JEFFREY	:	
SILVERMAN, an individual, and TERRY	:	
KNUTSON, an individual,	:	
	:	
Defendants.	:	
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**PLAINTIFF'S NOTICE OF MOTIONS FOR  
SUMMARY JUDGMENT AND TO STRIKE THE AFFIRMATIVE  
DEFENSES AND DEMAND FOR TRIAL BY JURY BY DEFENDANTS  
TERRY KNUTSON AND TERRY AND ROSE KNUTSON 2000 FAMILY TRUST**

PLEASE TAKE NOTICE that upon (i) Plaintiff's Memorandum of Law in Support of its Motions for Summary Judgment and to Strike the Affirmative Defenses and Demand for Trial by Jury of Defendants Terry Knutson and the Terry and Rose Knutson 2000 Family Trust (the "Knutson Defendants"); (ii) Plaintiff's Statement Pursuant to Local Civil Rule 56.1; (iii) the Declaration of Nicholas P. Crowell and the exhibits attached thereto; (iv) the Affidavit of Francis P. Pomar; and (v) all other pleadings and materials previously presented to the Court, Plaintiff hereby moves this Court to enter an order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting summary judgment in favor of Plaintiff on the grounds that there is no genuine issue of material fact that: (1) the Knutson Defendants have materially breached their obligations under the Guarantees by failing to pay sums due and owing to Plaintiff under the terms of the Guarantees; (2) the Knutson Defendants are personally liable for any

future missed monthly debt service payments; and (3) Plaintiff is entitled to an award of all costs and disbursements, including attorneys' fees, that Plaintiff has incurred in connection with its efforts to enforce its rights under the Guarantees. Anthracite further moves this Court to enter an order striking the affirmative defenses and demand for trial by jury of the Knutson Defendants. Anthracite also seeks such further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 2-B of the Individual Practices of Judge Laura Taylor Swain, Anthracite has used its best efforts to resolve informally the matters raised in its motions, including sending counsel for the Knutson Defendants a letter, dated April 28, 2009, outlining the legal and factual basis for Anthracite's entitlement to the relief sought herein, and conferring with counsel by telephone on April 29, 2009.

PLEASE TAKE FURTHER NOTICE that, pursuant to the order of Judge Laura Taylor Swain, dated April 16, 2009, this "motion shall be briefed in accordance with the schedule set forth in Local Civil Rule 6.1 and will be taken on submission unless otherwise directed by the Court."

Dated: New York, New York  
May 4, 2009

Respectfully submitted,

SIDLEY AUSTIN LLP

By 

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